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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,511	12/08/2003	Ryosuke Koishi	2500.68712	2321

7590 05/20/2005

Patrick G. Burns  
Suite 2500  
300 South Wacker Drive  
Chicago, IL 60606

EXAMINER
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MILLER, BRIAN E

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/730,511

**Applicant(s)**

KOISHI, RYOSUKE

**Examiner**

Brian E. Miller

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12 is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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This application is a DIV of 09/739,944 and claims 7-13 are now pending.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Berg et al (US 6,483,667). (As per claim 7) Berg et al discloses a flying head slider 220, as shown primarily in FIG. 4, including: a slider body 220; a generally flat bottom surface 176 defined on the slider body, an upstream end of the bottom surface being defined along a first datum line 130 extending in a lateral direction of the slider body; a front rail 240 standing on the bottom surface near an upstream end of the slider body; at least a front air bearing surface(s) (including surfaces 234, 236, defined on the front rail, the front air bearing surface(s) having a front contour (adjacent surfaces 144, 232) extending along parallel second datum lines (or second and third datum lines) intersecting the first datum line 130 at a predetermined inclined angle (with respect to the surfaces on either side of surfaces 144 and/or 232); a rear rail 160 standing on the bottom surface near a downstream end of the slider body; and a rear air bearing surface (including 162) defined on the rear rail; (as per claim 8) wherein step(s) is/are defined (including steps 228, 232

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as shown in the figure) on the top surface of the rail at least along the front contour of the front air bearing surface(s).

***Allowable Subject Matter***

3. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 9-12 are allowable over the prior art of record.

***Response to Amendment/Remarks***

5. Applicant's arguments filed 11/26/04 have been considered but they are not fully persuasive.

A...Applicant asserts (on page 7, lines 3-9) that Berg does not disclose the air bearing surface as claimed, i.e., having "a front air bearing surface having a front contour extending along parallel datum lines." Further, on page 6, 2<sup>nd</sup> paragraph, applicant submits that contrary to the Office Action, the bearing surface 150 and the step surface 234 cannot constitute one air bearing surface because "the air bearing surface is defined as a surface nearest to the surface of the recording medium when the head slider flies above the recording medium."

The Examiner respectfully disagrees. The Examiner maintains that the interpretation of "air bearing surface" encompassing more than one "surface" is proper. An air bearing surface would encompass any and all surfaces that allow air to pass over, which would not only include the

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topmost surface closest to the medium. Furthermore, the claim(s) do not specifically set forth that the "parallel datum lines" are necessarily in the *same* plane.

B...In view of the amendment to claims 9, 11 and new claim 13, these claims have been indicated as allowable, as set forth in paragraphs 3 & 4, *supra*.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 7:15am-4:45pm (and every other friday).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Brian E. Miller**  
**Primary Examiner**  
**Art Unit 2652**

BEM  
5/13/05